

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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FILED

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INDIANA UTILITY
REGULATORY COMMISSION
CAUSE NO. 42500

IN THE MATTER OF THE INDIANA)
UTILITY REGULATORY COMMISSION'S)
INVESTIGATION OF MATTERS RELATED)
TO THE FEDERAL COMMUNICATIONS)
COMMISSION'S REPORT AND ORDER AND)
ORDER ON REMAND AND FURTHER)
NOTICE OF PROPOSED RULEMAKING IN)
CC DOCKET NOS. 01-338, 96-98, AND 98-147)

You are hereby notified that on this date a Presiding Officer makes the following Entry in this Cause:

On March 5, 2004, Indiana Bell Telephone Company, Incorporated d/b/a SBC Indiana ("SBC Indiana") filed its *Motion of SBC Indiana for Protection of Confidential and Proprietary Information* ("Motion") with the Indiana Utility Regulatory Commission ("Commission"), seeking confidential treatment of certain information to be submitted to the Commission in connection with its filing of testimony and associated exhibits and work papers not already subject to a confidentiality determination in this Cause. SBC Indiana seeks this confidential protection pursuant to Indiana Code §§ 8-1-2-29, 5-14-3-4 and 24-2-3-1, and 170 IAC 1-1.1-4. Specifically, the information for which confidential treatment is sought is identified as Confidential Attachment WCD-7: MSA Trigger Analysis and Confidential Attachment WCD-8: Collocation of Trigger CLECs in Markets.

Accompanying the Motion was the Affidavit of Marguerite Paswater, Regulatory Issues Manager for SBC Indiana. The Affidavit describes the information for which confidential treatment is sought as exhibits that "detail wire center specific information derived from SBC Indiana data bases about switching facilities and locations as well as loop information." The Affidavit also states that this "information reflects strategic decisions made about the telecommunications market and the market demographics. Such information is valuable to competitors of SBC Indiana (as well as to competitors of the individual CLECs) because it provides insight into business trends, anticipated growth, and market approach."

Further, the Affidavit describes efforts by SBC Indiana to maintain the confidentiality of the information:

Access to the Confidential Information is restricted, even as to persons employed by SBC (*i.e.*, physical safeguards, system password protection, limited distribution of reports, etc.). SBC Indiana limits public access to buildings housing the Confidential Information by use of security guards. Persons not employed by SBC Indiana and SBC who are allowed past security guards at buildings where Confidential Information is kept are not permitted to walk within such buildings without an escort. In addition to the security maintained at SBC Indiana's buildings and work areas where Confidential Information is kept, information included within the Confidential Information is further restricted to reference and use by SBC Indiana and SBC personnel and their management control on a "need to know" basis. Moreover, much of the Confidential Information is maintained in a computer system which is password protected and only accessible by a restricted number of SBC Indiana employees.

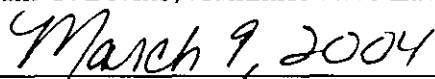
The Presiding Officer, having reviewed the Motion and its accompanying Affidavit, finds that there is a sufficient basis for a preliminary determination of confidentiality with respect to SBC Indiana's Confidential Attachment WCD-7: MSA Trigger Analysis and Confidential Attachment WCD-8: Collocation of Trigger CLECs in Markets. This preliminary determination is made by application of the trade secret exception to disclosure of public records found at Indiana Code §§ 5-14-3-4(a)(4) and 24-2-3-2, and the Commission's confidentiality procedures found at 170 IAC 1-1.1-4, to the information contained in the Motion and its accompanying Affidavit.

Accordingly, SBC Indiana shall hand deliver to the presiding Administrative Law Judge, in a sealed envelope that is clearly marked "confidential" and with the Cause Number noted thereon, Confidential Attachment WCD-7: MSA Trigger Analysis and Confidential Attachment WCD-8: Collocation of Trigger CLECs in Markets, which shall be treated as confidential and exempt from public disclosure in accordance with Indiana Code 5-14-3.

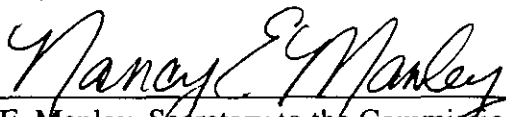
IT IS SO ORDERED.



William G. Divine, Administrative Law Judge



Date



Nancy E. Manley, Secretary to the Commission